

REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 4, 6-8, and 10-14 are pending. Claims 1-3, 5 and 9 were canceled by prior amendment. Claims 12-13 have been amended. No new matter has been added.

Rejection under 35 U.S.C. §102(e) based on Kleider

Claims 4, 6-8 and 10-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,084,919 to Kleider et al. ("Kleider").

Kleider teaches a communication system that is allegedly capable of reducing the effect of interference on a data signal. See Kleider, col. 1, lines 48-50. The system monitors a spectral makeup within a frequency band of interest and varies a transmit signal parameter based on the detected spectral conditions. See Kleider, col. 2, lines 17-21. Kleider discloses a system that **"uses the detected spectrum** to determine how to adjust the power level and/or processing gain of its transmit signal so that it does not interfere with other systems in the area[.]" See Kleider, col. 2, lines 26-28 (emphasis added). A transmit parameter determination unit 214 uses spectral based data from a second communication unit 204. A spectrum analysis unit 218 within the second communication unit 204 **monitors the spectral profile of the channel 206 independent of the transmitted data**. See Kleider, col. 3, lines 20-45 (emphasis added), and Fig. 1. Information indicative of the spectral profile of the channel 206 is transferred from the spectral analysis unit 218 to the transmit parameter determination unit 214. See Kleider, col. 3, lines 46-48.

Independent claims 4, 8 and 14 recite “evaluating quality data of a received high frequency digital signal using the at least one receiver station so as to determine corresponding parameter values.” It is respectfully submitted that nowhere does Kleider teach evaluating quality data of a received high frequency signal and determining corresponding parameter values, as recited in claims 4, 8 and 14. In contrast, Kleider merely describes obtaining a spectral profile of the channel (not the received signal), and transferring information indicative of that spectral profile to the transmit parameter determination unit. See Kleider, col. 3, lines 20-48. Thus, Kleider fails to disclose determining parameter values which correspond to the received high frequency signal, as required in independent claims 4, 8 and 14. Therefore, Kleider fails to disclose each and every element of independent claims 4, 8 and 14.

Amended independent claim 12 now recites the feature of “the stronger coding or modulation results from a change in parameter values that correspond to an evaluation of quality data of a received high frequency digital signal.” Amended independent claim 13 now recites the feature of “the high reception quality and coverage reliability results from a change in parameter values that correspond to an evaluation of quality data of a received high frequency digital signal.” Support for the amendment to claims 12 and 13 may be found in independent claims 4, 8 and 14. For the same reasons as described above, it is respectfully submitted that Kleider fails to disclose the newly added features of claims 12 and 13. Therefore, Kleider fails to disclose each and every element of amended independent claims 12 and 13.

Because Kleider fails to teach at least the above-recited features of independent claims 4, 8 and 12-14, Kleider cannot anticipate these claims or any of their dependent claims.

Reconsideration and withdrawal of the rejections of claims 4, 6-8, and 10-14 under 35 U.S.C. § 102(e) based on Kleider is respectfully requested.

CONCLUSION

Each and every point raised in the Office Action dated May 20, 2008 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 4, 6-8, and 10-14 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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